

DELEGATED DECISION REPORT

DET/2021/0015
Valid 14/04/2021

BLACKSMITHS ARMS
TYTHE BARN
ALTON

CHANGE OF USE TO
DWELLINGHOUSE

(NOTIFICATION - CHANGE OF
USE PRIOR APPROVAL)

MAIN ISSUES

Whether or not a change of use of a pub into a dwelling can be undertaken under permitted development via a Notification of Prior Approval application under Part 3 Class M of the GPDO rather than a full planning application.

If so, whether or not the impacts relating to transport, flooding, contamination, the appearance of the building, natural light are acceptable and whether or not it would be desirable to change the use of the building to a dwelling in all other respects.

DESCRIPTION OF SITE

The site is within the development boundary of Alton and lies on the southern edge of the village. It comprises a detached public house building on a corner plot and is surrounded mainly by dwellings but there is also open land to the rear and side of it to the south. The site is not in a Conservation Area and unaffected by any other significant designations.

PROPOSAL

The application is a "Notification of Prior Approval" application for the change of use of a pub into a dwelling under Part 3 (Changes of Use) Class M of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Under Part 3 of the GPDO, a full planning application is not required for a number of changes of use of land and buildings as specified in that part. However, several of the proposed changes of use require the submission of a "Notification of Prior Approval" application in accordance with Part 3 (W) and the Council must determine whether or not the impacts listed in Part 3 M(2), also listed above in the "Main Issues" section of this report, are acceptable. It must decide whether or not Prior Approval is required and therefore request further information in which to determine the proposal, or whether or not on the basis of the information submitted, the application should be refused.

The applicant is applying for a Part 3 Class M change of use which is "*Retail, takeaways and specified sui generis uses to dwellinghouses.*"

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

The government planning guidance contained in National Planning Policy Framework (NPPF).

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None relevant.

CONSULTATIONS

Publicity

Site Notice expiry date: 9.6.21
Neighbour consultation period ends: N/A
Press Advert: N/A

Public Comments

None.

Town / Parish Comments

No objection.

Local Highways Authority

No objection.

Environmental Health

No objection subject to a standard condition.

Severn Trent Water

No objection.

OFFICER COMMENTS

The change of use from a pub into a dwelling under permitted development cannot be carried out under Part 3 Class M of the GPDO because it does not relate to retail, is not a takeaway premises and is not specified use under the "Sui Generis" uses listed in Class M.

In fact, the particular change of use from pub to dwelling does not fall under any of the classes of change of use listed in in Part 3 of the GPDO or any other part of the GPDO for that matter. The impacts of the change of use listed under Class M(2) are therefore irrelevant.

The change of use cannot be undertaken under “permitted development” and therefore a full planning application would need to be submitted for the change of use i.e. planning permission is required. An application would be determined against the Council’s Local Plan and the government planning guidance in the NPPF.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Chris Johnston
Recommendation Date: 9.6.21

X 

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council